

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Samuel Hull, <p style="text-align: center;">Plaintiff,</p> v. ConvergeOne, Inc., <p style="text-align: center;">Defendant.</p>	Case No. 20-cv-00984 (SRN/KMM) ORDER
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Demetria Laparis Dyer and Sonia L. Miller-Van Oort, Sapientia Law Group, PLLC, 120 South 6th Street, Suite 100, Minneapolis, MN 55402; and Ellie K. Vilendrer, Vilendrer Law, PC, 3800 American Blvd. West, Suite 1500, Minneapolis, MN 55431, for Plaintiff.

Andrew B. Murphy and Raphael Coburn, Faegre Drinker Biddle & Reath LLP, 90 South 7th Street, Suite 2200, Minneapolis, MN 55402, for Defendant.

SUSAN RICHARD NELSON, United States District Judge

This matter is before the Court on Defendant ConvergeOne, Inc.’s unopposed Supplemental Response [Doc. No. 57] to this Court’s August 31, 2020 Order to Show Cause [Doc. No. 51]. In its Order to Show Cause, the Court observed that the Defendant removed this case in violation of the forum-defendant rule. At the time of that Order, the Eighth Circuit treated the forum-defendant rule as jurisdictional, and had held that a violation of the rule constitutes a non-waivable jurisdictional defect. Subsequently, the Court granted the parties’ request to stay these proceedings pending the Eighth Circuit’s en banc rehearing of *Holbein v. Baxter Chrysler Jeep, Inc.*, 948 F.3d 931 (8th Cir. 2020), *reh’g en banc granted, opinion vacated* (Mar. 19, 2020). (Order [Doc. No. 55].) On

December 30, 2020, the Eighth Circuit overruled its prior case law, and held that the forum-defendant rule is non-jurisdictional. *Holbein v. TAW Enterprises, Inc.*, 983 F.3d 1049 (8th Cir. 2020). In light of the *Holbein* decision, the Court finds that it has subject matter jurisdiction over the claims asserted in this matter.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The stay of proceedings imposed by this Court's September 18, 2020 Order [Doc. No. 55] is **LIFTED**; and
2. Defendant shall respond to Plaintiff's Second Amended Complaint by March 5, 2021.

IT IS SO ORDERED.

Dated: February 12, 2021

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge